

SUBJECT: Procedures for an automatic recount in certain elections

COMMITTEE: Elections — favorable, without amendment

VOTE: 7 ayes — Danburg, Averitt, Denny, Greenberg, Hodge, Madden, Uher
0 nays
2 absent — J. Jones, Gallego

WITNESSES: For — None
Against — None
On — Steve McDonald, Texas Democratic Party

BACKGROUND: Currently, if two or more candidates tie for the vote in an election requiring a plurality vote, the candidates can agree to cast lots or one candidate can withdraw, leaving the remaining candidate the winner. Otherwise, a second election must be held. An initial recount can be obtained by filing a petition. The petition must be submitted by the later of 5 p.m. of the fifth day after the election or 5 p.m. of the second day after the date the canvassing authority to whose presiding officer the petition must be submitted completes its canvass of the original election returns.

DIGEST: HB 1490 would amend the Election Code to require that an automatic recount be conducted if an election resulting in a tie vote was not resolved before the second election was held. It also would apply to an election in which the canvassing authority determined that an error had occurred in the initial count. If the recount resolved the tie, a second election would not have to be held.

If the recount did not resolve the tie, the authority responsible for ordering the first election would have to order the second election no later than the fifth day after the recount or the final canvass following the recount. The second election would have to be held not earlier than the 20th day or later than the 30th day after the recount or final canvass was completed.

Automatic recounts could be conducted only with appropriate modifications as prescribed by the secretary of state. The authority to whom a petition for a recount was submitted would have to initiate the automatic recount in the same way as would a recount petitioner. The method of counting votes in an automatic recount would have to be the same used in the election that resulted in the tie vote. The cost of the automatic recount would have to be paid by each political subdivision or county executive committee, whichever was applicable, served by the presiding officer of each local canvassing authority. For example, if a school district paid for the initial count, the school district would have to pay for the automatic recount.

A deposit to cover the costs of the recount would not be required.

HB 1490 would take effect September 1, 1999.